

Before the  
**Federal Communications Commission**  
Washington D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
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**In the Matter of**

**Review of the Commission's Rules  
and Policies Affecting the  
Conversion to Digital Television**

**MM Docket No. 00-39**

**Comments of the  
Association of Local Television Stations, Inc.**

The Association of Local Television Stations (ALTV) files the following comments in the above-captioned proceeding. ALTV represents local stations across the United States. Its members are primarily affiliated with the WB, Fox, UPN, and PAX networks. We also represent a significant number of stations that operate as general audience independent stations.

Before proceeding with the substance, ALTV wants to make one fact abundantly clear. The broadcast industry desires to move forward with the digital conversion as rapidly as possible. Given the deployment of digital broadband by competing suppliers, it makes no sense for the broadcast industry to encourage delay. If free, over-the-air television is to survive in the digital world, it must move forward -- now!! It is equally incumbent on the FCC to devote the time and the resources to ensure there is a timely transition for local free, over-the-air television stations to switch from analog to digital transmission.

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We encourage the FCC to become more pro-active by resolving long simmering disputes that have arisen in the digital transition. For free, over-the-air television broadcasters, the conversion to digital thus far has been difficult. ALTV calls upon the FCC to help make the transition smoother. The Commission should step up to the plate and take immediate action on a number of issues, including digital must-carry, non-discriminatory access safeguards and cable compatibility.<sup>1</sup>

ALTV writes separately in this proceeding to emphasize one key overriding point pertaining to the digital transmission issue. While we fully support the need for receiver performance standards, the FCC must move forward immediately with a continued examination of a COFDM alternative.<sup>2</sup>

As the *Notice* observed, the FCC adopted the 8-VSB transmission standard in its *Fourth Report and Order* after extensive testing and with the participation of the affected industries and the public.<sup>3</sup> It is also true, however, that there have been recent criticisms of the 8-VSB standard, especially with respect to reception problems associated with multi-path interference.

The Sinclair Broadcast Group filed a Petition for Expedited Rulemaking with the FCC on October 8, 1999. In its Petition, Sinclair questioned the reception capabilities of the 8-VSB

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<sup>1</sup>While the *Notice* did not want comments addressing these issues, the FCC cannot ignore that its lack of progress on these issues, especially digital must carry, is having a negative impact on the full deployment of free, over-the-air digital television.

<sup>2</sup>ALTV is a signatory to the Joint Broadcasters Comments.

<sup>3</sup>*Notice of Proposed Rule Making Reviewing the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MM Docket No. 00-39, FCC 00-83 (released March 8, 2000 at para. 11. (Hereinafter cited as *Notice*)

transmission standard. For example, in Philadelphia Sinclair's study "revealed that the 8-VSB signal was generally not receivable with simple antennas in indoor environments where NTSC signals enjoyed strong, acceptable reception."<sup>4</sup> Sinclair also found in more formal tests in Baltimore that, "high quality reception of a 8-VSB signal through simple antennas was highly problematic due to multi-path effects."<sup>5</sup>

Sinclair was not alone in expressing concern about 8-VSB transmissions. As reported by *Broadcasting & Cable*, NBC appears to have some concerns as well.

NBC conducted its own tests of 8-VSB reception using consumer receivers in Philadelphia, Washington, Los Angeles and Dallas, which it said confirmed Sinclair's findings. While 8-VSB reception in rural areas was possible, [NBC Technology V.P. Peter] Smith says, there were "lots of problems" with reception in indoor and outdoor environments in urban areas close to the transmitter. Even with an outdoor antenna, says Smith, only 50% of current NTSC viewers would be able to see DTV.<sup>6</sup>

Last fall the FCC's Office of Engineering and Technology released a report on COFDM and 8-VSB.<sup>7</sup> Without conducting any actual field tests, the *OET Report* observed that both 8-VSB and COFDM have certain advantages and disadvantages. OET did not find that the performance potential of either system was clearly superior in all respects. It concluded that the

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<sup>4</sup>Sinclair Petition at 12.

<sup>5</sup>Sinclair Petition at 11.

<sup>6</sup>*Broadcasting & Cable Magazine*, February 14, 2000 at 22. (Citing to Mr. Peter Smith, NBC Vice President of Technical Planning and Engineering.)

<sup>7</sup>*DTV Report on COFDM and 8 VSB Performance*, Federal Communications Commission Office of Engineering & Technology, 99-2, September 30, 1999. (hereinafter *OET Report*)

relative benefits of changing the DTV transmission standard to COFDM were unclear and would not outweigh the cost of making such a revision.<sup>8</sup> As for the reception problems with 8-VSB, the *OET Report* noted that the problems were receiver related and reasonable solutions to the indoor reception and multi-path interference issues would be resolved with newer receivers. We note, however, that the anticipated technological breakthroughs have not been forthcoming in the intervening months.

Relying in part on the *OET Report*, the Commission dismissed Sinclair's Petition on February 4, 2000.<sup>9</sup> The FCC expressed concern that approving the use of an alternative DTV modulation method would lead to further delays in implementation. Also, the Commission observed that solutions to the indoor reception and multi-path interference issues "are expected to be available in the near future." Additionally, the FCC relied on the fact that television set manufacturers are aggressively taking steps to resolve the problems exhibited by first-generation TV sets. Nonetheless the FCC incorporated the transmission issue into the instant proceeding.

It now appears the FCC's reliance on television set manufacturers to resolve the interference and multi-path reception problems was misplaced. As the Joint Broadcasters Comments in this proceeding state:

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<sup>8</sup>The *OET Report* examined the question of whether the FCC should replace the current 8-VSB transmission system with COFDM. Significantly, ALTV is not asking for such relief. Moreover, the Sinclair Petition did not ask to substitute 8-VSB with COFDM. Rather the petition sought permission for broadcasters to have the flexibility to employ either transmission system.

<sup>9</sup>Letter to Mr. Martin Leader from Magalie Roman Salas, Secretary, Federal Communications Commission, (by direction of the Commission) FCC 00-35, released February 4, 2000.

Receivers have not only performed badly in distinguishing among interfering signals at the edge of the service area, but they have performed inadequately in acquiring signals in the core of the service area under multi-path and other challenging RF conditions. It is simply unacceptable from a public interest standpoint to wait for the market (the small market for DTV receivers) to remedy these performance shortfalls. The Commission should now step in to correct the market failure and mandate minimum desired-to-undesired signal performance thresholds.<sup>10</sup>

From a set manufacturing standpoint, the roll out of receivers that are capable of receiving over-the-air digital television signals has ground to a halt. Indeed, only 17 percent of all DTV sets sold to date are capable of receiving over-the-air digital signals at all.<sup>11</sup>

The issue, therefore, is what can the FCC do to expedite the roll out of free, local, over-the-air digital television? As noted above, ALTV's sole objective is the timely deployment of over-the-air digital television. Over 120 stations are broadcasting digital signals. It is imperative that consumers be able to receive those signals.

As the Joint Broadcasters Comments note, one way to achieve this objective is to push for receiver performance standards. ALTV supports this approach. Of course performance standards must be based on technological solutions to multi-path and other interference problems. We trust that such solutions will be offered in the very near future. A more fundamental question is whether this will be sufficient to expedite the roll out of over-the-air digital television.

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<sup>10</sup>Joint Broadcasters Comments at 23, May 17, 2000

<sup>11</sup>*Communications Daily*, April 11, 2000 at 1.

The broadcast industry has been asking the FCC for receiver performance standards for more than three years. Despite the essential market failure of existing digital over-the-air receivers, the Commission has simply not taken any action. If this situation continues, it could take years before an acceptable receiver is offered on the market.<sup>12</sup> Also, it is worth noting that receiver problems were not confined to so-called first generation sets.<sup>13</sup> Indeed, we have been waiting years for a technical solution<sup>14</sup>

If the Commission truly wants to expedite the deployment of free, over-the-air digital television then, in addition to adopting receiver performance standards, it should begin to seriously examine alternative transmission systems on a parallel track. ALTV believes issues pertaining to COFDM transmission should remain on the "front burner" at the Commission. If efforts to adopt receiver performance standards become bogged down or falter, the FCC should be ready to move forward with a COFDM transmission system.

ALTV recognizes the Commission's concern about delaying the roll out of DTV. We agree, delay should be avoided at all costs. Nonetheless, we see no reason why FCC review of COFDM transmission capabilities should in any way delay the roll out of digital television. The key here is not to delay the roll out, but to be prepared should the 8-VSB performance standards

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<sup>12</sup>Set manufacturers have historically opposed such performance standards. If history repeats itself, it may take some time before the issue is resolved.

<sup>13</sup>At least one expert has estimated that it will take more than two years before DTV can handle rural reception and five years before they can handle urban reception. *Broadcasting and Cable*, February 14, 2000 at 22.

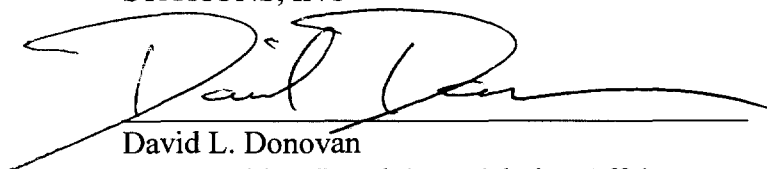
<sup>14</sup>Despite the lack of over the air digital receivers, the FCC won't delay the roll out of digital television. In the words of Chairman Kennard, "Delay is not an option." *Electronic Media*, April 17, 2000 at 47.

falter, either for technical or political reasons. We view this approach as a safety net which will avoid even further delays in the future.

Significantly, ALTV is not asking the FCC to substitute COFDM for 8-VSB. Moreover, we are not asking for a dual standard at this point in time. Instead we are simply asking the FCC to be prepared.<sup>15</sup> There is very little harm in examining how a COFDM transmission system could co-exist within the present DTV plan already established by the Commission. ALTV recognizes that the Commission's resources are limited. Nonetheless, the administrative resources devoted to examining COFDM will yield significant benefits.

Local television stations across the United States are rightfully concerned about the performance of over-the-air digital television receivers. Consumers should be able to watch their favorite programs on digital receivers by using indoor antennas or on portable sets in their house. American consumers have had these reception opportunities for over half a century. They should not be lost in the shift to digital television. The future of universally available free, digital, over-the-air television is at stake.

Respectfully submitted,  
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<sup>15</sup>Through MSTV, the industry already plans to test both 8-VSB and COFDM performance.